

The Court thanks the parties for the update. The Court will dismiss the Committee Appeal by separate order forthwith. IT IS HEREBY ORDERED that the Customer Appeal (23-cv-3144) and the Rule 60 Appeal (23-cv-05570) are STAYED until the earlier of October 31, 2023, or the confirmation of the Plan. No later than **October 31, 2023**, the remaining parties shall file a joint status report with the Court.

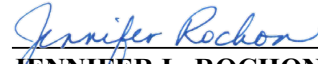
July 27, 2023

VIA ECF

Dated: July 28, 2023

New York, New York

SO ORDERED.


JENNIFER L. ROCHON
United States District Judge

Hon. Jennifer Rochon
United States District Judge
United States District Court
Southern District of New York
500 Pearl St., Courtroom 20B
New York, NY 10007-1312

Re: In re Celsius Network LLC, No. 23-CV-02882-JLR (S.D.N.Y.)

Dear Judge Rochon:

We submit this joint status report on behalf of the Official Committee of Unsecured Creditors (the “**Committee**”); Immanuel Herrmann and Daniel Frishberg (the “**Customer-Appellants**”); and Community First Partners, LLC, Celsius SPV Investors, LP, Celsius New SPV Investors, LP, and CDP Investissements Inc. (the “**Series B Preferred Holders**”), with respect to the following related and consolidated appeals:

1. *Official Committee of Unsecured Creditors v. Celsius SPV Investors, LP, et al.*, No. 23-CV-02882-JLR (S.D.N.Y.) (the “**Committee Appeal**”);
2. *Herrmann & Frishberg v. Celsius SPV Investors, LP, et al.*, No. 23-CV-03144-JLR (S.D.N.Y.) (the “**Customer Appeal**”); and
3. *Herrmann & Frishberg v. Celsius SPV Investors, LP, et al.*, No. 23-CV-05570-JLR (S.D.N.Y.) (the “**Rule 60 Appeal**”).

As the Court is aware, on June 27, 2023, the Committee, the Series B Preferred Holders, and Celsius Network LLC and its affiliated debtors in the chapter 11 cases from which these appeals arise (the “**Debtors**”) filed a joint motion in the Bankruptcy Court seeking approval of a settlement between the Debtors, the Committee, and the Series B Preferred Holders (the “**Series B Settlement**”). See Docket No. 17, Ex. A.¹ Pursuant to the Series B Settlement, the Committee and the Series B Preferred Holders agreed that upon the Bankruptcy Court’s approval of the Series B Settlement to jointly stipulate for the dismissal of the Committee Appeal with prejudice. On July 20, 2023, the Bankruptcy Court entered its *Order (I) Approving the Settlement By and Among the Debtors, the Committee, and the Consenting Series B Preferred Holders and (II) Granting*

¹ “Docket No.” refers to the docket in the Committee Appeal. “Bankr. Docket No.” refers to the docket in *In re Celsius Network LLC, et al.*, Case No. 22-10964 (Bankr. S.D.N.Y.).

Related Relief [Bankr. Docket No. 3058], attached hereto as **Exhibit A**, and on July 24, 2023, the Bankruptcy Court entered its *Memorandum Opinion Approving the Settlement Among the Debtors, the Committee, and the Initial Consenting Series B Preferred Holders* [Bankr. Docket No. 3074], attached hereto as **Exhibit B**. On July 26, 2023, the Committee and the Series B Preferred Holders jointly stipulated for the dismissal with prejudice of the Committee Appeal. *See* Docket Nos. 31-32. Although the Committee Appeal is consolidated with the Customer Appeal and the Rule 60 Appeal for administrative purposes as related appeals, only the Committee and Series B Preferred Holders are parties to the Committee Appeal. Accordingly, the Committee and Series B Preferred Holders respectfully request that the Court enter an order approving the joint stipulation and dismissing the Committee Appeal with prejudice.

In addition, following a mediation during the week of July 17, the Debtors and the Committee reached a global settlement with the Customer-Appellants (the “**Customer-Appellants Settlement**”). The terms of the Customer-Appellants Settlement are described in a joint settlement motion submitted to the Bankruptcy Court on July 20, 2023, and attached hereto as **Exhibit C**. Pursuant to the Customer-Appellants Settlement, the Customer-Appellants agreed to stay all deadlines in the Customer and Rule 60 Appeals pending confirmation of a plan of reorganization consistent with the Customer-Appellants Settlement. *See* Ex. C at ECF pg. 42. Thereafter, and upon the effectiveness of a plan of reorganization incorporating the terms of the Customer-Appellants Settlement, the Customer-Appellants shall voluntarily dismiss the Customer Appeal and Rule 60 Appeal with prejudice. *Id.* The parties are working toward confirmation of that plan by the end of October 2023. Accordingly, the Customer-Appellants and the Series B Preferred Holders respectfully request that the Court hold the Customer Appeal and Rule 60 Appeal in abeyance until October 31, 2023.

The parties thank the Court for its attention to this matter.

[Signature pages follow.]

Respectfully submitted,

THE COMMITTEE

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– and –

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